

REMARKS

Claims 1-52 are pending in the application. Claims 1-39, 41-45, 48, and 50-52 are withdrawn from consideration. Claims 40 and 46 have been amended. Claim 49 has been canceled without prejudice to pursuing the withdrawn subject matter in this or other continuation or divisional applications. Upon entry of these amendments, Claims 40, 46, and 47 will be pending and under active consideration. Claims 40 and 46 are independent.

Applicants note that Claims 1-39, 41-45, 48, and 50-52 remain withdrawn from consideration without prejudice to pursuing the withdrawn subject matter in this or other continuation or divisional applications.

Applicant's undersigned representative wishes to thank Examiner Lukton for the courteous and helpful telephonic interviews with respect to the above-identified application. In the interviews, Examiner Lukton indicated that there are no outstanding prior art or 35 U.S.C. §112, first paragraph rejections applicable to the claims at issue. Examiner Lukton indicated that there are only 35 U.S.C. §112, second paragraph rejections that are being applied against the pending claims. Examiner Lukton suggested that Applicant amend independent claims 40 and 46 to now recite the list of AAT-like compounds listed on pages 34-43 of the specification as filed in order to overcome the outstanding 35 U.S.C. §112, second paragraph rejection.

Applicants submit respectfully that the amendments presented herein are supported fully by the claims and/or specification as originally filed and, thus, do not represent new subject matter.

Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present invention. Reconsideration and withdrawal of the rejections set forth in the above-identified Office Action are respectfully requested.

I. The Rejection Under 35 § 112, Second Paragraph Should Be Withdrawn

In further response to the Office Action dated July 28, 2003 (Paper No. 23), and in response to the Examiner Interview dated July 27, 2004, Examiner Lukton indicated that Claims

40, 46, and 47 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants traverse respectfully.

Without acquiescing in the arguments presented by the Office Action, Applicant has amended Claims 40 and 46 to now recite the list of compounds specifically provided at line 15, page 34 to line 24, page 43. Additionally, Applicant has amended Claims 40 and 46 to delete reference to the compound Benzyloxycarbonyl-L-valyl-N-[1-(2-(3-methylbenzyl)-1,3,4-oxadiazolyl]carbonyl)-2-(S)-methylpropyl]-L-prolinamide (CE-2072) or a derivative thereof. Thus, Applicant respectfully submits that the claims as amended are more than sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants submit respectfully that the rejection of Claims 40, 46, 47, and 49 under 35 U.S.C. § 112, second paragraph, has been overcome, and Applicants request respectfully that the rejection of Claims 40, 46, 47, and 49 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION


Applicants submit that the application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should be directed to our address given below.

AUTHORIZATION

Applicants believe there is no fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Serge Sira', with a stylized, flowing script.

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GMV:SS/dap

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